

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<hr/>	)	
<b>In re:</b>	)	
	)	<b>Chapter 11</b>
<b>CIRCUIT CITY STORES, INC., <u>et al.</u>,</b>	)	
	)	<b>Case No. 08-35653 (KRH)</b>
	)	
<b>Debtors.</b>	)	<b>Jointly Administered</b>
	)	
<hr/>	)	

**OPPOSITION OF RICHARD GRANDE  
(CLAIM NO. 6242) TO DEBTORS' SEVENTY-NINTH  
OBJECTION TO CLAIMS (DISALLOWANCE OF CERTAIN LEGAL CLAIMS)**

COMES NOW, Richard Grande ("Mr. Grande"), by the undersigned counsel, and hereby files opposition<sup>1</sup> to Debtors' Seventy-Ninth Objection to Claims (Disallowance of Certain Legal Claims) (the "Opposition"), and in support of thereof, states as follows:

**Concise Statement of Relevant Facts Which Support This Response and Claim**

1. On or about January 26, 2009, Mr. Grande filed a proof of claim with this Court, in the total amount of \$750,000.00. On information and belief, the claim has been assigned claim number 6242 (the "Claim"). A copy of the Proof of Claim is attached hereto and incorporated by this reference as **Exhibit 1**.

2. Mr. Grande made the Claim as a result of a fall which occurred on March 7, 2008, at one of Debtors' retail stores located at 7227 Bustleton Avenue, Philadelphia, Pennsylvania

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<sup>1</sup> By agreement with Debtors' counsel, Mr. Grande's due date to respond to Debtors' Seventy-Ninth Objection was extended to July 19, 2010.

(the "Store"). Mr. Grande, while in the course of his employment for the City of Philadelphia, tripped and fell on the badly damaged sidewalk in front of the Store. Mr. Grande has furnished Debtors with photographs of the damaged and dangerous condition of the sidewalk.

**Identification of Other Documentation/Evidence Supporting This Opposition**

3. Please see the letter of representation, attached hereto as **Exhibit 2**, sent to Debtors' claims adjuster on October 17, 2008, outlining the basis of the Claim and Mr. Grande's damages.

4. Also, please see the letter dated January 22, 2009, which was sent directly to Debtors, and is attached hereto as **Exhibit 3**.

**Declaration of Persons with Personal Knowledge of Facts Supporting this Opposition**

5. The following individuals have personal knowledge of the relevant facts supporting this response:

- a. Richard Grande, 832 Ellsworth Street, Philadelphia, Pennsylvania 19147;
- b. Anna Grande, 832 Ellsworth Street, Philadelphia, Pennsylvania 19147;
- c. Jerome J. Verlin, Esquire, Verlin Law Office, 150 Monument Road, Ste. 404, Bala Cynwyd, Pennsylvania, 19004.

**Claimant and Claimant's Counsel's Contact Information**

6. Mr. Grande and his Pennsylvania Counsel's relevant information is as follows:
- a. Richard Grande, 832 Ellsworth Street, Philadelphia, Pennsylvania 19147, (215) 668-3572 (cellular);
  - b. Jerome J. Verlin, Esquire, Verlin Law Office, 150 Monument Road, Ste. 404, Bala Cynwyd, Pennsylvania, 19004, 610.668.0255 (telephone), 610.668.0258 (facsimile).

**Person with Authority to Reconcile, Settle or  
Otherwise Resolve the Objection on Claimant's Behalf**

7. Jerome J. Verlin, Esquire, Verlin Law Office, 150 Monument Road, Ste. 404,  
Bala Cynwyd, Pennsylvania, 19004, 610.668.0255 (telephone), 610.668.0258 (facsimile).

Dated: July 19, 2010

**Respectfully submitted,**

**RICHARD GRANDE**

By: /s/ William A. Gray  
William A. Gray, Esquire-VSB #46911  
Broderick C. Dunn, Esquire-VSB#74847  
SANDS ANDERSON PC  
1111 East Main Street, Suite 2400  
Post Office Box 1998  
Richmond, Virginia 23218-1998  
804.648.1636 – Telephone  
804.783.7291 - Facsimile  
bgray@sandsanderson.com  
bdunn@sandsanderson.com  
*Counsel for Richard Grande*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of July, 2010, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court for the Eastern District of Virginia, using the CM/ECF system, which thereby caused the above to be served electronically on all registered users of the ECF system that have filed notices of appearance in this matter, and mailed, by U.S. Mail, first class, postage prepaid to the following:

**Daniel F. Blanks, Esquire**  
McGuire Woods LLP  
World Trade Center  
101 West Main Street, Suite 9000  
Norfolk, Virginia 23510  
*Counsel for Debtor*

/s/ William A. Gray

B 10 (Official Form 10) (12/07)

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA

PROOF OF CLAIM

Debtor against which claim is asserted: (Check only one box below:)

- ☒ Circuit City Stores, Inc. (Case No. 08-35653) ☐ CC Distribution Company of Virginia, Inc. (Case No. 08-35659) ☐ Abbott Advertising, Inc. (Case No. 08-35665)
- ☐ Circuit City Stores West Coast, Inc. (Case No. 08-35654) ☐ Circuit City Stores PR, LLC (Case No. 08-35660) ☐ Mayland MN, LLC (Case No. 08-35666)
- ☐ InterTAN, Inc. (Case No. 08-35655) ☐ Circuit City Properties, LLC (Case No. 08-35661) ☐ Patapsco Designs, Inc. (Case No. 08-35667)
- ☐ Ventoux International, Inc. (Case No. 08-35656) ☐ Orbyx Electronics, LLC (Case No. 08-35662) ☐ Sky Venture Corporation (Case No. 08-35668)
- ☐ Circuit City Purchasing Company, LLC (Case No. 08-35657)\* ☐ Kinzer Technology, LLC (Case No. 08-35663) ☐ XSSstuff, LLC (Case No. 08-35669)
- ☐ CC Aviation, LLC (Case No. 08-35658) ☐ Courchevel, LLC (Case No. 08-35664) ☐ PRAHS, INC. (Case No. 08-35670)

NOTE: This form should not be used to make a claim for administrative expenses arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503(a).

Name of Creditor (the person or other entity to whom the debtor owes money or property):

GRANDE, RICHARD

Name and address where notices should be sent:

NameID: 4975810

PackID: 374882

GRANDE, RICHARD  
832 ELLSWORTH ST  
PHILADELPHIA PA 19147

Telephone number:

☐ Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number: \_\_\_\_\_

(If known)

Filed on: \_\_\_\_\_

Name and address where payment should be sent (if different from above):

Mark A. Verlin, Esquire  
Verlin Law Offices  
150 Monument Road, Suite 404  
Bala Cynwyd, PA 19004

Telephone number: 610-668-0255

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 750,000

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

2. Basis for Claim: Personal Injury

(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor: \_\_\_\_\_

3a. Debtor may have scheduled account as: \_\_\_\_\_  
(See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other  
Describe:

Value of Property: \$ \_\_\_\_\_ Annual Interest Rate \_\_\_\_\_ %

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ \_\_\_\_\_ Basis for perfection: \_\_\_\_\_

Amount of Secured Claim: \$ \_\_\_\_\_ Amount Unsecured: \$ \_\_\_\_\_

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Wages, salaries, or commissions (up to \$10,950\*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtors business, whichever is earlier — 11 U.S.C. § 507(a)(4).

☐ Contributions to an employee benefit plan — 11 U.S.C. § 507(a)(5).

☐ Up to \$2,425\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use — 11 U.S.C. § 507(a)(7).

☐ Taxes or penalties owed to governmental units — 11 U.S.C. § 507(a)(8).

☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_).

Amount entitled to priority:

\$ \_\_\_\_\_

\*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment

Date:  
1/22/09

Signature: the person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

*Richard Grande*

RICHARD GRANDE

FOR COURT USE ONLY

RECEIVED

JAN 26 2009

KURTZMAN CARSON CONSULTANTS

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

MasterCode: 10137744



0835653081218074107170862

# Verlin Law Offices

**EXHIBIT 2**

Mark A. Verlin  
Jerome J. Verlin  
Richard L. Stutman

150 Monument Road, Suite 404  
Bala Cynwyd, PA 19004  
(610) 668-0255  
(610) 668-0258 Fax  
1-800-501-4434 Toll Free

October 17, 2008

Specialty Risk Services  
P.O. Box 799  
Marlton, NJ 08053  
Attention: Rhiannon Salvati

RE: My Client: Richard Grande  
Your Insured: Circuit City  
Claim #: YLB65447L  
Date of Accident: 03/07/2008

Dear Ms. Salvati:

I am in receipt of your letter of October 8, 2008 in reference to the above-captioned matter. My client Richard Grande, age 52, is married and residing at 832 Ellsworth Street, Philadelphia, PA 19147. He was born on September 19, 1955 with a Social Security number of -1906. At the time of the accident, Mr. Grande was in the course of his employment as a surveyor/supervisor for the City of Philadelphia. On the day in question he was working on the sidewalk in the 7200 block of Bustleton Avenue adjacent to Circuit City as he was in the process of taking down illegal signs and slipped and fell on the defective sidewalk. I have enclosed several pictures of the defective sidewalk for your convenience.

Unfortunately as a result of the fall, Mr. Grande sustained a torn meniscus of the left knee as well as injuries to his low back and right shoulder. He is in the process of scheduling knee surgery and may also need right shoulder surgery. Mr. Grande has remained out of work since the date of accident. He is currently under the care of orthopedic surgeon, Dr. Gary Miller. If you have any additional questions, please do not hesitate to contact me.

Very truly yours,

  
MARK A. VERLIN

MAV/djc

Enclosure

# Verlin Law Offices

**EXHIBIT 3**

Mark A. Verlin  
Jerome J. Verlin  
Richard L. Stutman

150 Monument Road, Suite 404  
Bala Cynwyd, PA 19004  
(610) 668-0255  
(610) 668-0258 Fax  
1-800-501-4434 Toll Free

January 22, 2009

**VIA EXPRESS MAIL      EH184651085US**

Circuit City Stores, Inc., et al.  
Claims Processing Dept.  
Kurtzman Carson Consultants, LLC  
2335 Alaska Avenue  
El Segundo, CA 90245

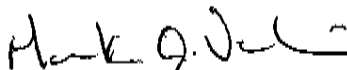
RE: Circuit City Stores, Inc., et al.  
Chapter 11  
Case No.: 08-35653  
My Client: Richard Grande

Dear Sir/Madam:

Please be advised that this office represents Mr. Richard Grande for personal injuries sustained in the above-captioned matter when he slipped and fell outside a Circuit City Store located at 7200 Bustleton Avenue, Philadelphia, Pennsylvania.

Enclosed please find my client's completed Proof of Claim in reference to the above Chapter 11 proceeding. If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



MARK A. VERLIN

MAV/dc  
Encl.



Customer Copy

Label 11-B, March 2004



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Mo. Day			
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Mo. Day			

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 Postal Service Acct. No.

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Mailor Signature

## TO: (PLEASE PRINT)

PHONE ( )

Circuit City Stores, Inc., et al  
 Claims Processing Dept.  
 Kurtzman Carson Consultants, LLC  
 2335 Alaska Avenue  
 El Segundo, CA

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07-23-07	Month Day Year	\$
me Accepted	Scheduled Time of Delivery	COD Fee Insurance Fee
200	<input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM	\$ \$
PM	Military	Total Postage & Fees
AT Rate <input type="checkbox"/> or Weight	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	\$ 17.50
lbs. ozs.	Int'l Alpha Country Code	Acceptance Emp. Initials
		R

## FROM: (PLEASE PRINT)

PHONE (610) 668-0355

Mark A. Verlio, Esq.  
 Verlio Law Offices  
 150 Monument Road, Suite 404  
 Gale Cynwyd, PA 19004

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